



# **COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **COMPOSITIONS, METHODS AND KITS FOR WEIGHT LOSS AND INHIBITING THE LOSS OF LEAN BODY MASS**, the specification of which

- ☐ is attached hereto.
- ☒ was filed on November 24, 2003 as United States Patent Application No. 10/722,368.
- ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_, and as amended under PCT Articles 19 on \_\_\_\_\_ (if applicable).
- ☐ and was amended on \_\_\_\_\_ (if applicable).
- ☐ with amendments through \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applications(s) on which priority is claimed:

Number	Country	Day/Month/Year Filed	Claim Priority?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
60/428,993	November 22, 2002

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status: patented, pending, abandoned
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I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

### Customer Number 24197

Name	Reg. No.	Name	Reg. No.
ANDON, Christopher L.	51,406	MC LEOD, Richard D.	46,921
BAKER, Theodore W.	53,961	MAURER, Gregory L.	43,781
BIBLE, Patrick M.	44,423	MILLER, Christopher B.	48,398
BUNKER, Gillian	47,461	NOONAN, William D.	30,878
CALDWELL, Lisa M.	41,653	PETERSEN, David P.	28,106
CARLSON, Anne	47,472	POLLEY, Richard J.	28,107
CASH, David	52,706	RINEHART, Kyle B.	47,027
GAO, ZeMing M.	51,718	RUPERT, Wayne W.	34,420
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GOFF, Jared S.	44,716	SIEGEL, Susan Alpert	43,121
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HAYES, Kevin M.	54,158	VANDENBERG, John D.	31,312
JAKUBEK, Joseph T.	34,190	WAGNER, Justin D.	54,519
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KLARQUIST, Kenneth S.	16,445	WINN, Garth A.	33,220
KLITZKE II, Ramon A.	30,188	YOUNG, Travis	53,819
LEIGH, James S.	20,434	ZASTROW, Devon J.	50,206

I hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Combined Declaration and Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for submitting this document.

Address all telephone calls to Kevin M. Hayes at telephone number (503) 226-7391.


Address all correspondence to the address associated with the customer number provided below:

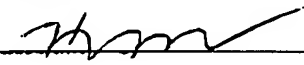
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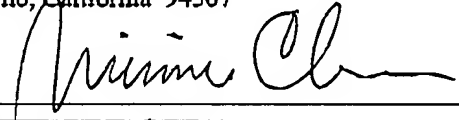
The correspondence address associated with the customer number provided above is:

Klarquist Sparkman, LLP  
121 S.W. Salmon Street, Suite 1600  
Portland, OR 97204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of First or Sole Inventor: John C. Hegenauer	
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Inventor's Signature 	Date 4/21/04

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Inventor's Signature 	Date 4/21/04

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Inventor's Signature 	Date 4/26/04

KMH:elb:mke 04/20/04 Combined Declaration 236993.doc

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Name of Fourth Inventor:	Elaine L. Bagwell
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Citizenship:	U.S.A.
Inventor's Signature	<u>Elaine L. Bagwell</u> Date <u>4-20-04</u>

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Citizenship:	U.S.A.
Inventor's Signature	<u>Cindy Latham</u> Date <u>4-20-04</u>

Name of Sixth Inventor:	Jeffrey M. Avila
Residence:	Miami Beach, Florida
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Citizenship:	U.S.A.
Inventor's Signature	_____ Date _____

KMH:elb:mke 04/26/04 CombinedDeclaration236993[1]

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Portland, OR 97204

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<b>Name of First or Sole Inventor:</b> John C. Hegenauer	
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<b>Mailing Address:</b>	301 Century Circle Danville, California 94526
<b>Citizenship:</b>	U.S.A.
<b>Inventor's Signature</b> _____	<b>Date</b> _____

<b>Name of Second Inventor:</b> Haruna Yamaguchi	
<b>Residence:</b>	Castro Valley, California
<b>Mailing Address:</b>	2151 174 <sup>th</sup> Avenue Castro Valley, California 94546
<b>Citizenship:</b>	U.S.A.
<b>Inventor's Signature</b> _____	<b>Date</b> _____

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<b>Residence:</b>	Alamo, California
<b>Mailing Address:</b>	2411 Royal Oaks Drive Alamo, California 94507
<b>Citizenship:</b>	U.S.A.
<b>Inventor's Signature</b> _____	<b>Date</b> _____

KMH:elb:mke 04/26/04 CombinedDeclaration236993[1]

**Attorney Ref. No. 3790-66390**

**Name of Fourth Inventor:** Elaine L. Bagwell

**Residence:** Dublin, California

**Mailing Address:** 11718 Solana Drive  
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**Citizenship:** U.S.A.

**Inventor's Signature** \_\_\_\_\_

Date \_\_\_\_\_

**Name of Fifth Inventor:** Cindy Latham

**Residence:** Moraga, California

**Mailing Address:** 363 Fernwood Drive  
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**Citizenship:** U.S.A.

**Inventor's Signature** \_\_\_\_\_

**Date**

**Name of Sixth Inventor:** Jeffrey M. Avila

**Residence:** Miami Beach, Florida

**Mailing Address:** 1500 Bay Road, #1112  
Miami Beach, Florida 33139

**Citizenship:** U.S.A.

**Inventor's Signature** [Signature]

Date April 26, 2004